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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,946	07/24/2000	Venkatachari Dilip	CE1-001US	5253
29150	7590	03/20/2006	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE, STE 500 SPOKANE, WA 99201			SUBRAMANIAN, NARAYANSWAMY	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 03/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,946

Applicant(s)

DILIP ET AL.

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-67,71 and 78-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-67,71 and 78-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicants' request for continued examination filed on February 13, 2006. Amendments to claim 59 have been entered. Rejections made under 35 USC § 112, first paragraph in the last office action have been withdrawn in view of the amendments. Claims 59-67, 71 and 78-82 are currently pending in the application and have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 59-67, 71 and 78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musmanno (US Patent 4,346,442) in view of Frank et al (US Patent 6,240,399 B1).

With reference to claim 59, Musmanno discloses a method comprising: a processor-based financial management system identifying a first account balance associated with a first account See Musmanno Column 8 lines 29-36), wherein the first account is associated with a first financial institution (See Musmanno claim 1 and Applicant's own background disclosure Page 3 lines 1-7); the financial management system further identifying a second account balance associated with a second account, wherein the second account is associated with a second financial institution, the second financial institution being independent of the first financial institution (See Musmanno Claim 1, brokerage account data contains information about the

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balances also); the financial management system comparing the first account balance to a particular value (See Musmanno Figure 3); and if the first account balance exceeds the particular value, the financial management system recommending a transfer of funds from the first account to the second account associated with the second financial institution, wherein the first account and the second account have a common account holder, and wherein the recommendation to transfer funds identifies an amount to be transferred equal to the value by which the first account balance exceeds the particular value (See Musmanno Column 2 lines 55-58, Column 7 line 61 - Column 9 line 67); and if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account (See Musmanno Figure 3 and Column 7 line 61 - Column 9 line 67).

Musmanno does not explicitly teach the step wherein the financial management system obtains account information from the first and second accounts based on information provided by an account holder rather than the first or second financial institution.

Frank teaches the step wherein the financial management system obtains account information from the first and second accounts based on information provided by an account holder (See Frank Column 7 lines 23-32)

Both Frank and Musmanno are concerned with the problem of allocating the financial assets of clients so as to maximize their return. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Musmanno to include the teachings of Frank. The combination of the teachings suggests that clients would have benefited from the ongoing monitoring of the portfolio of accounts after the initial allocation is made (See Frank Column 4 lines 41-45).

With reference to claims 60-67, 71 and 78-82, Musmanno discloses the steps wherein comparing the first account balance to a particular value is performed at periodic intervals (See Musmanno Column 1 lines 33-37); comparing the first account balance to a particular value includes applying at least one rule associated with the first account (See Musmanno Figures IB, 2 and 3); wherein the first account is a checking account (See Musmanno claim 1) and the second account is a savings account (See Musmanno claim 1, money market account is a form of savings account); wherein the second account pays a higher interest rate than the first account (inherent in the disclosure); if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account in an amount equal to the value by which the first account balance is below the particular value (See Musmanno Column 7 line 61 - Column 9 line 67); offering to perform the recommended transfer of funds from the first account to the second account and executing the transfer of funds from the first account to the second account if the account holder accepts the offer to perform the recommended transfer of funds (inherent in the disclosure, manual buying/selling implies this feature); recommending a transfer of funds from the first account to the second account includes automatically transferring funds from the first account to the second account (See Musmanno Column 9 lines 27-45 and claim 6); one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 59 (inherent in the disclosure); wherein the first account is a checking account and the second account is an investment account (See Musmanno claim 1, money market account is a form of investment account); wherein the second account offers a better return than the first account (inherent in the disclosure); wherein the particular value is a

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minimum balance associated with the first account (old and well known); wherein the particular value is a minimum required balance based on historical data (See Musmanno Column 4 lines 41-45, various purposes is interpreted to include this feature); and permitting the account holder to change the amount to be transferred from the first account to the second account (See Musmanno Column 9 lines 50-67, manually entered commands include this feature).

Response to Arguments

4. In response to Applicant's arguments that "The Musmanno reference discloses the movement of funds from a bank to a brokerage house, but not vice versa. Thus, Musmanno discloses the transfer of funds in one direction, but not the reverse direction", the examiner respectfully disagrees. Musmanno in Column 2 lines 45-67, clearly discloses flow of funds from the brokerage house to the bank account. Hence Musmanno clearly discloses the movement of funds from a bank to a brokerage house and vice versa.

Applicant's other arguments with respect to pending claims 59-67, 71 and 78-82 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Atkins (US Patent 5,884,285) (March 16, 1999) System for Managing Financial Accounts by Reallocating Funds among Accounts


(b) Bent et al (US Patent 6,374,231 B1) (April 16, 2002) Money Fund Banking System

(c) Gullen et al (US Patent 6,799,167 B1) (September 28, 2004) Dynamic Portfolio Benchmarking

(d) Wolfberg et al (US Patent 5,745,706) (April 28, 1998) Computer System and Related Equipment for Spending and Investment Account Management

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dr. N. Subramanian
March 9, 2006